

U.S.S.N. 09/617,067

REMARKS – General**Rejections under 35 USC §112**

The Office Action (OA) rejects claims 21 and 22 under §112 as being indefinite. Specifically, the OA submits that claims 21 and 22 are confusing because they refer to method claims and should refer to system claims. Applicants regret the inadvertent oversight and resulting typographical error. Applicants have amended these claims to recite system claims. Support for the amendment is found in claims 15 and 16 as originally filed, from which claims 21 and 22 depend, respectively. Applicants respectfully request reconsideration of the rejection in light of the amendment.

Rejections under 35 USC §103

The OA rejects claims 1-20 and 22 under §103(a) as being unpatentable over Chasek (US Pat. No. 5, 237,507) in view of Edelman et al. (US Pat. No. 6,281,601), herein after "Edelman". Specifically, with respect to claim 1, the OA submits that Chasek teaches the limitations of claim 1 except for a means for actuating a power machine. The OA submits that Edelman teaches a system for actuating a networked power generation system and that it would be obvious to one of ordinary skill in the art at the time the invention was made to combine Chasek and Edelman to achieve Applicants' invention.

Applicants have amended claim 1. Claim 1 now recites a plurality of power machines, wherein each power machine includes control circuitry. The control circuitry includes locally stored information that is evaluated when an actuation signal from the remote means for actuating transmits an actuation signal. Support for the amendment is found in the specification as originally filed at page 9, lines 9-17.

Contrary to the Chasek-Edelman combination, Applicants' invention delays the actuation of the power machine until the local data is evaluated. If the local data is not conducive to actuation of the power machine, the control circuitry will disregard the actuation signal and will not actuate the power machine. Applicants submit that neither Chasek nor Edelman teach a remote means of actuating a power machine and a local control circuit for evaluating local data upon receipt of the actuation signal and prior to actuating the power machine. Hence, the combination fails to teach all of Applicants' claimed limitations.

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Edelman, for example, teaches a remote power meter as providing an overriding control signal to the power machine. See e.g. col. 5, lines 18-28 and FIG. 5. Chasek teaches a central utility computer that monitors information like temperature and demand. See e.g. FIG. 1. As neither Chasek nor Edelman teaches the amended limitations of Applicants' claim 1, Applicants respectfully submit that any §103 case of obviousness is overcome. Applicants respectfully request reconsideration in light of the amendment.

Claims 10 and 20 have been amended in like fashion to claim 1. Applicants rely on the comments above as being applicable to claims 10 and 20 regarding the §103 rejection over Chasek in view of Edelman. Applicants respectfully request reconsideration of these claims in light of the amendments.

With respect to claims 2-9, 11-19 and 22, Applicants note that these claims are all dependent from claims 1, 10 and 20, and are all rejected under §103 over Chasek in view of Edelman. Claims 3 and 9 have been canceled. Regarding claims 2, 4-8, 11-19 and 22, as Applicants respectfully submit that any §103 case of obviousness has been overcome with respect to the independent claim, Applicants submit that the same is true for the dependent claims. Applicants respectfully request reconsideration of these claims.

Claim 21 is rejected under §103 as being unpatentable over Chasek in view of Edelman, further in view of Norris et al. (US Pat. No. 5,510,780), herein after "Norris". Specifically, the OA states that Chasek and Edelman teach the limitations of claim 22 except for licensing of power machines. The OA submits that Norris teaches controlling power generation equipment wherein the power machines are leased.

Applicants rely on the comments above regarding claim 1, as independent claim 10 (from which claim 21 depends) has been amended. Applicants submit that Norris fails to teach a remote means of actuating a power machine and a local control circuit for evaluating local data upon receipt of the actuation signal and prior to actuating the power machine, and thus the combination fails to teach all of Applicants' claimed limitations. Applicants respectfully submit that the obviousness rejection is overcome. Applicants respectfully request reconsideration of the rejection in light of the amendments.

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CONCLUSION

For the above reasons, Applicants believe the specification and claims are now in proper form, and that the claims all define patentably over the prior art. Applicants believe this application is now in condition for allowance, for which they respectfully submit.

Respectfully submitted,



Philip H. Burrus, IV

Attorney for Applicants

Registration No.: 45,432

770-338-3227 (fax 3413)